IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6498 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.6499 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.6500 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.6501 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.6502 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.6503 OF 2005

(Mr.Vijay Tata Vs. The State of Maharashtra & Others)

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri Shirish Gupte, senior counsel with Mr.S.A.Sawant advocate for the applicant.
Mrs.M.M.Deshmukh APP for the State.

CORAM: D.B.BHOSALE, J.

DATED: 20TH OCTOBER, 2005

P.C.:

. Heard learned counsel for the parties.

2. By this group of applications the applicant has prayed for recalling of the order dated 26th February, 2004 passed in the group of criminal applications bearing No.1869/03, 1868/03, 1867/03 and 1946/03. By the order dated 26th February, 2004 the

applications filed by the State seeking cancellation of anticipatory bail were allowed for the reasons mentioned in the order. The relevant observations in the order dated 26th February, 2004 read thus:

> ".... .... It appears that the Respondent-accused was granted anticipatory bail by the Sessions Court by order dated 13/11/2002. It was a common order passed in the applications filed by the applicant for anticipatory bail. While granting his applications, the Respondent-accused was directed to report to the investigating authority as and when called for interrogation. I have perused the instant applications. The statement is made in the applications that after grant of anticipatory bail by the trial court that the investigating officer has made several attempts to trace out the respondent-accused and call him for interrogation, however, he is not available at the address given in the application. According to Mr.Shinde, learned A.P.P. the applicant's whereabout are not known from the date of the order dated 13/11/2002. The investigation revealed that he has left the place of his residence mentioned in the applications for anticipatory bail filed before the trial court and presently, he is staying in Bangalore. The efforts to trace him out in Bangalore have also been failed. Mr.Ponda, learned advocate on record for the Respondent-accused submits that he has no instructions about the whereabouts of the

> Respondent-accused. On the last date of hearing Mr.Ponda was directed to keep the Respondent-accused present in the court. Today Mr.Ponda, expressed his inability to keep the applicant present in the court since he has no instructions about his whereabouts. Keeping this in view, I am of the opinion, that this is a fit case for cancellation of bail. In the circumstances the applications are allowed and the common order dated 13/11/2002 passed in Case No.53/I & R of 2002, Case No.55/I & R of 2002, Case No.58/I & R of 2002, Case No.54/I & R of 2002 and Case No.50/I & R of 2002 is quashed and set aside."

3. Mr.Gupte, learned senior counsel for the applicant submits that there was communication gap between the applicant's then advocate on record and the applicant which resulted in non observance of the conditions imposed while granting anticipatory bail to the applicant in all the applications. He further submitted that there was some misunderstanding on the part of advocate and the applicant. The applicant came to know about the cancellation of anticipatory bail very recently. In paragraph 13 of the application, he has also stated that he is involved in several criminal cases under section 138

of the Negotiable Instruments Act, at different places in the country and he has been attending police stations and the Court hearings in connection therewith and that is reason why his lawyer could not contact him when such attempts were made.

4. On the last date of hearing the applicant was directed to report the concerned police station of the Economic Offence Wing for seven days commencing from 13th October, 2005 between 11.00 am to 5.00 pm. He was also directed to remain present in the Court. Today the applicant is present in the court. The concerned police officer of Economic Offence Wing is also present in the Court. Mrs.Deshmukh, learned A.P.P., on instructions, states that the applicant has regularly reported the concerned police station as per the directions of this court for all the seven days. On instructions, she further submits that the applicant may be directed to report once a week for period of four weeks more. Having considered the overall

facts and circumstances of the case and submissions advanced by the learned counsel for the parties I am satisfied that the following order shall meet the ends of justice:

(i) I recall the order dated 26th February, 2004 passed in the aforementioned applications.

(ii) The applicant shall report the concerned police officer of Economic Offence Wing on every Wednesday between 4.00 pm and 6.00 pm. for a period of four weeks commencing from 26.10.2005 and thereafter as and when required.

(iii) If the applicant fails to report as per the directions, it is open for the concerned police officer to arrest him and in which case the order of anticipatory bail shall not operate.

. These applications are disposed of accordingly.

(D.B.Bhosale, J.)